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AUG 17 2001

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In re Application of :
JIRSAK, et al. :
U.S. Application No.: 09/700,743 :
PCT No.: PCT/CZ98/00025 : DECISION
Int. Filing Date: 25 May 1998 :
Priority Date: 25 May 1998 :
Attorney Docket No.: 006895-010 :
For: A DEVICE FOR PERPENDICULAR :
STRATIFICATION OF PLANARY FIBROUS :
SHAPES :
:

This application is before the PCT Legal Office for consideration of issues arising under 37 CFR 371.

BACKGROUND

On 25 May 1998, applicant filed international application PCT/CZ98/00025. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 December 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 22 October 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 November 2000.

On 03 November 2000, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" was filed for this international application by counsel from the firm of Kilpatrick Stockton, LLP. A power of attorney was not filed. This submission was assigned application number 09/674,697.

On 20 November 1998, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" was filed for this international application by counsel from the firm of Burns, Doane, Swecker & Mathis, LLP. An oath or declaration and power of attorney accompanied the transmittal, along with, *inter alia*, the basic national fee, a copy of the international application, a first preliminary amendment, an assignment for recording, a copy of the International Preliminary Examination Report and a copy

of the International Search Report. This submission was assigned application number 09/700,743.

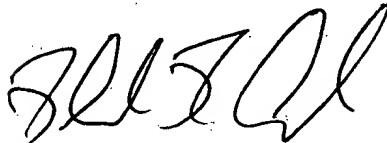
DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/CZ98/00025 (United States application numbers 09/674,697 and 09/700,743). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

As noted above, the documents filed in 09/700,743 include a declaration executed by the inventors. This declaration includes appointment of counsel. The documents filed in application number 09/674,697 do not include a declaration nor a power of attorney. Accordingly application number 09/700,743 will be treated as the United States national stage application for international application PCT/CZ98/00025.

CONCLUSION

This application is being forwarded to the National Stage Processing Division for further processing in accordance with this decision, namely, 1) Transferring the papers filed on 03 November 2000 in application number 09/674,697 to the present file, 2) Crediting all fees paid in application number 09/674,697 to Deposit Account No. 11-0855 and 3) Preparation and mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) if applicable.


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Larry A. Roberts, Esq.
KILPATRICK STOCKTON, LLP
2400 Monarch Tower
3424 Peachtree Road, N.E.
Atlanta, Georgia, 30326

Dear Mr. Roberts:

On 03 November 2000, you filed in the United States Patent and Trademark Office (USPTO) papers requesting entry into the national phase of international application PCT/CZ98/00025, filed 25 May 1998, entitled A DEVICE FOR PERPENDICULAR STRATIFICATION OF PLÄNARY FIBROUS SHAPES. The inventors are indicated as Oldrich JIRSAK, Jaroslav HANUS, Vaclav KOTEK, Filip SANETRNIK and Radko KRCMA. Your attorney docket number is 19394-0100.

The inventors have filed separate papers requesting entry into the national phase of international application PCT/CZ98/00025 and have appointed lawyers from another firm to represent them before the USPTO. The papers that you filed on 03 November 2000 have been placed in the national stage application filed by the applicants. Since applicants have separate appointed attorneys, no further communications with respect to this application will be mailed to you.

The \$1,130 in fees which you submitted with your 03 November 2000 filing will be credited to your Deposit Account No. 11-0855.

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